

CHAPTER 1
ADMINISTRATION

IAC Supp. 8/14/85
[Rules 1.5 to 1.13 were either rescinded or renumbered and new rules added, see IAB 8/14/85]
[Prior to 6/1/88, see Engineering and Land Surveying Examiners, Board of [390] Ch 1]
[Rules 1.10 to 1.29 were amended and transferred to 193C—Chapter 4, IAC Supplement 11/27/91]

193C—1.1(542B) General statement. The practice of engineering and land surveying affects the life, health, and property of the people in Iowa. The Iowa engineering and land surveying examining board exists for this reason, and the board’s principal mandate is the protection of the public interest.

1.1(1) Administration. Administration of the board has not been separated into panels, divisions, or departments. While the expertise of a board member may be called upon to frame special examinations and evaluate applications for licensing in a specialized engineering branch, the board functions in a unified capacity on all matters which may come before it. The board maintains an office in Ankeny, Iowa, and requests or submissions may be directed to the secretary of the board at that location.

1.1(2) Meetings. Regular meetings of the board generally are held each month. The board currently administers two-day licensing examinations twice each year. Information concerning the location and dates for meetings and examinations may be obtained from the board’s office.

1.1(3) Practice of engineering. The practice of engineering means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences, such as consultation, investigation, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications, any of which embraces such services or creative work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products of a mechanical, electrical, hydraulic, pneumatic, or thermal nature insofar as they involve safeguarding life, health, and property and including such other professional services as may be necessary to the planning, progress, and completion of the services identified in this subrule. “Design coordination” includes the review and coordination of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer. “Engineering surveys” includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land system. The practice of engineering includes the environmental engineering activities which may be involved in developing plans, reports, or actions to remediate an environmentally hazardous site.

This rule is intended to implement Iowa Code section 542B.2.

193C—1.2(17A) Petition for declaratory ruling. Any person or board may file a petition with the board for a declaratory ruling concerning the applicability of any statute, rule, policy, decision, or order administered by the board. A petition is deemed filed when it is received by the board office. The board must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board with an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

IOWA ENGINEERING AND LAND SURVEYING EXAMINING BOARD	
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Petition by (Name of Petitioner))
for a Declaratory Ruling on)
(Cite Provisions of Law Involved).)
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PETITION FOR DECLARATORY RULING	

The petition must provide the following information:

1. A clear and concise statement of all relevant facts on which the ruling is requested.
2. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders whose applicability is questioned, and any other relevant law.
3. The questions the petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers.
5. The reasons for requesting the declaratory ruling and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been directed by, are pending determination by, or are under investigation by any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the questions in the petition.
8. Any request by petitioner for a meeting as provided for by subrule 1.2(3).

The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.

1.2(1) Briefs. The petitioner may attach a brief to the petition in support of the position urged in the petition. The board may request a brief from the petitioner or from any other person concerning the questions raised in the petition.

1.2(2) Inquiries. Inquiries concerning the status of a petition for a declaratory ruling may be made to the Engineering and Land Surveying Examining Board, Executive Secretary, 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

1.2(3) Board consideration. Upon request by petitioner in the petition, the board must schedule a brief and informal meeting between the petitioner and the board, a member of the board, or a member of the staff of the board, to discuss the petition. The board may request the petitioner to submit additional information or argument concerning the petition. The board may solicit comments from any person on the questions presented in the petition. Also, comments on those questions may be submitted to the board by any person.

Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the board must, in writing, issue a ruling on the petition or refuse to do so. The board is deemed to have issued a ruling or to have refused to do so on the date the ruling or refusal is mailed or delivered to petitioner.

1.2(4) Refusal to issue ruling. The board may refuse to issue a declaratory ruling for good cause. Good cause includes, but is not limited to, the following reasons:

1. The petition does not substantially comply with the required form.
2. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the board to issue a ruling.
3. The board does not have jurisdiction over the questions presented in the petition.
4. The questions presented by the petition are also presented in current rule making, contested case, or other board or judicial proceeding, that may definitively resolve them.
5. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.

6. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a ruling.

7. There is no need to issue a ruling because the questions raised in the petition have been settled due to a change in circumstances.

8. The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge a board decision already made.

9. The petition requests a declaratory ruling that would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.

10. The petitioner requests the board to determine whether a statute is unconstitutional on its face. A refusal to issue a declaratory ruling must indicate the specific grounds for the refusal and constitutes final board action on the petition.

Refusal to issue a declaratory ruling pursuant to this provision does not preclude the filing of a new petition that seeks to eliminate the grounds for the board's refusal to issue a ruling.

1.2(5) *Contents of declaratory ruling—effective date.* In addition to the ruling itself, a declaratory ruling must contain the date of its issuance, the name of petitioner, the specific statutes, rules, policies, decisions, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion.

A declaratory ruling is effective on the date of issuance.

1.2(6) *Effect of a declaratory ruling.* A declaratory ruling is binding on the board and the petitioner and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those contained in the petition. As to all other persons, a declaratory ruling serves only as precedent and is not binding on the board. The issuance of a declaratory ruling constitutes final board action on the petition.

193C—1.3(17A) Petition for rule making. Any person or board may file a petition for rule making with the board at 1918 S.E. Hulsizer, Ankeny, Iowa 50021. A petition is deemed filed when it is received by that office. The board must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board with an extra copy for this purpose. The petition must be typewritten, or legibly handwritten in ink, and must substantially conform to the following form:

IOWA ENGINEERING AND LAND SURVEYING EXAMINING BOARD

Petition by (Name of Petitioner))	
for the (adoption, amendment,)	PETITION FOR
or repeal) of rules relating to)	RULE MAKING
(state subject matter).)	

The petition must provide the following information:

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.

2. A citation to any law deemed relevant to the board's authority to take the action urged or to the desirability of that action.

3. A brief summary of petitioner's arguments in support of the action urged in the petition.
4. A brief summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.
6. Any request by petitioner for a meeting as provided for by subrule 1.3(3).

The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.

The board may deny a petition because it does not substantially conform to the required form.

1.3(1) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The board may request a brief from the petitioner or from any other person concerning the substance of the petition.

1.3(2) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the Engineering and Land Surveying Examining Board, Executive Secretary, 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

1.3(3) Board consideration. Upon request by petitioner in the petition, the board must schedule a brief and informal meeting between the petitioner and the board, a member of the board, or a member of the staff of the board, to discuss the petition. The board may request the petitioner to submit additional information or argument concerning the petition. The board may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the board by any person.

Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the board must, in writing, deny the petition, and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when the board mails or delivers the required notification to petitioner.

Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the board's rejection of the petition.

193C—1.4(542B) Licensing. A person requesting to be licensed as a professional engineer or land surveyor shall submit a completed application, under oath, on proper forms which may be obtained from the board's office. At the time of the examination application cutoff date, the application is considered current if it has been one year, or less, since it was signed and notarized.

1. *Academic transcripts.* Completion of post-high school education shall be evidenced by receipt of an applicant's transcripts directly from the office of the registrar of each institution attended.

2. *Work project description.* An applicant for an initial licensure as a professional engineer or land surveyor must include with the application a statement of approximately 200 words describing a significant project on which the applicant worked closely during the last 12 months. The statement shall describe the applicant's degree of responsibility for the project; it shall identify the project's owner and its location. The statement shall be signed and dated.

3. *Requirements for examination.* The specific requirements for initial licensing in Iowa are established in Iowa Code section 542B.14, and it is the board's policy to issue initial licensures only when those requirements are satisfied chronologically in the order set forth in the statute. Thus, an applicant first must satisfy the practical experience or educational requirements; secondly, the Fundamentals Examination, the Engineer Intern requirements or Land Surveyor Intern requirements as appropriate, and the professional experience; and thirdly, the Professional Examination. A Fundamentals Examination may be taken anytime after satisfying the practical experience or educational requirements, but it must be taken prior to the Professional Examination: College seniors studying an Accreditation Board of Engineering and Technology (ABET) or Canadian Engineering Accreditation Board (CEAB) approved curriculum may take the appropriate Fundamentals Examination during the final academic year; applicants will be permitted to submit for examination during the testing period which most closely precedes anticipated graduation. However, a certified transcript showing that the applicant was graduated must be sent by the registrar to the board before an applicant's examination results will be considered. Applicants who were graduated from a satisfactory engineering or land surveying program and have 25 years or more of work experience satisfactory to the board shall not be required to take the Fundamentals Examination.

An applicant who has earned a Doctor of Philosophy degree from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline, or a similar doctoral degree in a discipline approved by the board, shall not be required to take the Fundamentals Examination.

An applicant for the professional examination shall have a minimum of one year's practical experience in the United States of America or a territory under its jurisdiction.

4. *Verification of experience.* An applicant for a Principles and Practice Examination who has had professional experience under more than one employer shall provide names and addresses of individuals with knowledge of the work performed under a minimum of two employers. The board reserves the right to contact employers for information about the applicant's professional experience and competence.

1.4(1) *Education and experience prerequisites.* The board generally will require the minimum number of years set forth below before an applicant will be permitted to take either the Fundamentals or the Professional Examination.

Only experience preceding the cutoff date for the examination application will be considered in the evaluation of applications for examinations.

EXPERIENCE REQUIREMENTS FOR ENGINEERING APPLICANTS

Effective July 1, 1991

Educational Level	1	2*
	Minimum additional years experience prior to taking Fundamentals Examination	Minimum additional years experience prior to taking Professional Examination
Mathematics or Physical Sciences		
4-year Bachelor's Degree plus Master's Degree in Engineering**	0	4
All Engineering Technology Programs and Architecture		
4-year Bachelor's Degree, Technology or Architecture plus Master's Degree in Engineering**	0	4
Engineering Program Nonaccredited		
4-year Bachelor's Degree	1	4
4-year Bachelor's Degree plus Master's Degree in Engineering**	0	4
Engineering Program Accredited***		
4-year Bachelor's Degree	0	4

*NOTE: Column 1 indicates the years of practical experience required for the Fundamentals Examination in addition to the completion of the stated educational level. In order to determine the total years of practical experience required before taking the Professional Examination, column 2 must be added to column 1.

**The Master's Degree in engineering must be from an institution in the United States of America with an accredited Bachelor's Degree in the same curriculum, and the Master's Degree candidate must be required to fulfill the requirements for the Bachelor's Degree in the same area of specialization.

***Accredited shall mean an engineering program accredited by the Accreditation Board for Engineering Technology, Inc. (ABET) or the Canadian Engineering Accreditation Board (CEAB) or another accrediting body accepted by the National Council of Examiners for Engineering and Surveying (NCEES).

EXPERIENCE REQUIREMENTS FOR LAND SURVEYING APPLICANTS
Effective July 1, 1988

Educational Level	1 Minimum additional years' experience prior to taking Fundamentals Examination	2** Minimum additional years' experience prior to taking Professional Examination
College or Technology Program* with fewer than 6 Semester Hours of Surveying		
2-year Degree	6	4
4-year Bachelor's Degree	4	4
College or Technology Program with 6 or more Semester Hours of Surveying		
2-year Degree	6	4
4-year Bachelor's Degree	2	4
Engineering Program with fewer than 6 Semester Hours of Surveying		
2-year Degree	6	4
4-year Bachelor's Degree	2	4
Engineering Program with 6 or more Semester Hours of Surveying		
2-year Degree	6	4
4-year Bachelor's Degree	0	4
Surveying and Mapping Program Nonaccredited		
2-year Degree	6	4
4-year Bachelor's Degree	2	4
Surveying and Mapping Program Accredited***		
2-year Degree	6	4
4-year Bachelor's Degree	0	4

*Mathematics or physical sciences.

**NOTE: Column 1 indicates the years of practical experience required for the Fundamentals Examination in addition to the completion of the stated educational level. In order to determine the total years of practical experience required before taking the Professional Examination, column 2 must be added to column 1.

***Accredited shall mean a program accredited by the Accreditation Board for Engineering Technology, Inc. (ABET) or the Canadian Engineering Accreditation Board (CEAB) or another accrediting body accepted by the National Council of Examiners for Engineering and Surveying (NCEES).

1.4(2) Practical experience requirements. Practical engineering or land surveying experience is required prior to licensing. The purpose of such requirement is to ensure that the applicant has acquired the professional judgment, capacity and competence to design engineering works, structures, and systems or to determine land boundaries. The following guidelines will be considered by the board in determining whether an applicant's experience satisfies the statutory requirements.

a. Quality. Experience should be of such quality as to demonstrate that the applicant has developed technical skill and initiative in the correct application of surveying or engineering principles. Such experience further should demonstrate the capacity to review the applications of these principles by others and to assume responsibility for surveying or engineering work of professional character. To be readily acceptable, an applicant's experience should be under the tutelage of a professional engineer or land surveyor.

b. Scope. Experience should be of sufficient breadth and scope to ensure that the applicant has attained reasonably well-rounded professional competence in land surveying or a basic engineering field, rather than highly specialized skill in a very narrow and limited field.

c. Progression. The record of experience should indicate successive and continued progress from initial work of simpler character to recent work of greater complexity and higher degree of responsibility, as well as continued interest and effort on the part of the applicant toward further professional development and advancement.

d. Advanced education and special work experience. Part-time and summer work experience prior to graduation from college generally is not accepted toward satisfaction of professional experience requirements. However, cooperative work programs administered by engineering colleges and verified on the transcript will be evaluated on a case-by-case basis in order to determine whether the content and supervision of the program is such as would justify experience credit for student participation. Cooperative work experience may be considered as half-time credit, with a maximum total allowance of 6 months (12 months of cooperative work) applicable toward the satisfaction of professional experience requirements. Likewise, an applicant's advanced education or military experience, or both, will be reviewed in order to determine if either is applicable toward the statutory requirements for experience.

An applicant who has earned a Master of Science degree that includes research experience, in addition to writing an associated thesis, from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline, or a similar Master's degree in a discipline approved by the board, and has fulfilled the requirements for a Bachelor of Science degree may be granted a maximum of one-half year's experience credit. An applicant who has earned a Doctor of Philosophy degree from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline, or a similar doctoral degree in a discipline approved by the board, may be granted a maximum of one year's experience credit in addition to the one-half year for the Master's degree.

Teaching of engineering or surveying and mapping subjects at the level of assistant professor or higher in an accredited engineering or surveying and mapping program may be considered as experience, provided a minimum of one year of acceptable experience has been obtained in research, industry, consulting or land surveying. The board reserves the right to contact employers for information about the applicant's professional experience and competence.

e. Joint applications. Applicants requesting licensure both as professional engineers and land surveyors must submit a history of professional experience in both fields. Such histories will be considered separately on a case-by-case basis, and it is the board's general practice not to allow full credit for concurrent experience in both professions.

1.4(3) Branch licensure. A list of engineering branches in which licensure currently is being granted can be obtained from the board's office. Branches conform to those branches generally included in a collegiate curricula.

An applicant for licensure in Iowa shall be licensed first in the branch or branches indicated by the applicant's education and experience.

A minimum of 50 percent of the required practical experience in which the individual is to be examined shall have been in that same branch of engineering.

1.4(4) Examination. The board prepares and grades the Iowa State Specific Examination administered to land surveyor applicants and, in special cases, the examination for licensure in engineering. All other examinations are uniform examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES). The board may negotiate an agreement with an examination service to administer the examinations to applicants approved by the board, in which case applicants shall pay examination fees directly to the service.

a. Fundamentals examinations. The Fundamentals of Engineering Examination is a written, eight-hour examination; it covers general engineering principles and other subjects commonly taught in accredited engineering programs. The Fundamentals of Land Surveying Examination is a written, eight-hour examination and covers general land surveying principles.

b. Professional engineering examinations. The Professional Engineering Examination is a written, eight-hour examination designed to determine proficiency and qualification to engage in the practice of professional engineering only in a specific branch. A separate examination shall be required for each branch in which licensure is desired.

c. Professional land surveying examinations. The Professional Land Surveying Examination shall consist of two examinations. The first is a six-hour examination designed to determine general proficiency and qualification to engage in the practice of land surveying. The second is a two-hour Iowa State Specific Examination, which is designed to determine an applicant's proficiency and qualifications to practice land surveying specifically in Iowa. Each of the two examinations shall be scored separately. One or more of the land surveyor members of the board must conduct an oral interview with each applicant for the Professional Land Surveying Examination prior to the examination. An applicant will not be permitted to write the examination without successfully passing the oral examination. This interview is to verify the applicant's knowledge and experience in the principles and practice of land surveying in Iowa. The applicant is required to bring to the oral interview samples of the applicant's work which include surveying plats, subdivision plats, acquisition plats, corner certificates, and related field notes. The applicant is expected to have knowledge in the following: conduct of original surveys, restoration of obliterated corners, reestablishing of lost corners, retracement work and how to use evidence in restoration of obliterated land lines as well as corners, laws governing riparian rights, accretions, adverse possession, acquiescence, and Iowa laws regarding minimum standards for surveying, platting and corner certification.

d. Passing scores. The board reviews test scores for each examination and determines what level shall constitute a minimum passing score for that examination. In making its determination, the board generally is guided by the passing score recommended by the NCEES. Although a 70 percent score on examinations prepared and graded locally has been the score which the board historically has regarded as passing, the board fixes the passing score for each examination at a level which it concludes is a reasonable indication of minimally acceptable professional competence.

e. Reexamination. Applicants who fail an examination may request reexamination at the next examination period. An applicant who fails an examination twice is not permitted to appear for another examination until the applicant can demonstrate two additional years of satisfactory education or work experience. The aforementioned two years of satisfactory education or work experience shall apply only if the applicant has failed an examination twice within a time span of less than one and one-quarter years. Applicants who have completed the aforementioned two additional years of satisfactory education or work experience and applicants that have failed one examination more than one and one-quarter years before must completely reapply to the board for reexamination; such applicants will be processed as an applicant applying to take the examination for the first time.

(1) Applicants who have failed one or both parts of the Professional Land Surveying Examination twice and have fulfilled at least two additional years of satisfactory education or work experience and submitted a complete application to the board for reexamination must be interviewed by one of the land surveyor members of the board prior to the examination in order to be approved to write the examination. The applicant is required to bring samples of the applicant's survey work to the oral interview as described above in subrule 1.4(4), paragraph "c," and documentation of any classwork or land surveying workshops or seminars attended during the two-year period.

(2) Applicants failing one or both parts of the Professional Land Surveying Examination will be required to retake only the failed portions. An applicant successful in passing one portion of the land surveying examination need not be reexamined for that portion regardless of how much time elapses between the successfully passed portion and any future appearance to retake the failed portion of the examination. A satisfactory score must be obtained on each portion of the examination before the board will grant licensure as a land surveyor.

f. Failure to appear. An applicant who fails to appear for an examination may sit for the examination the next time it is offered upon payment of a fee set by the board, provided the application will not be more than one year old at the time of the application cutoff date for the examination.

g. Iowa State Specific Examination. An applicant for licensure as a land surveyor in Iowa (by comity or examination) that need only be examined for the state specific portion of the Professional Land Surveying Examination may take the examination at the board office by appointment in accordance with all other requirements.

h. Materials permitted in examination room. For security reasons, applicants shall adhere to the list of items that may be taken into an examination room. Applicants shall refrain from taking items which are identified as being not permitted in the examination room.

(1) Battery-operated, silent, nonprinting calculators are permitted. If a calculator has the capability to have interchangeable modules, once the examination begins no applicant shall insert, remove, or exchange any module. Any calculator that has a memory unit that retains stored information when the calculator is turned off must have the memory erased prior to the applicant's leaving the examination room. All calculators must be turned off before the applicant leaves the examination room.

(2) Computers, laptop computers, and notebook computers are not permitted.

(3) Devices that may compromise the security of the examination or the examination process are not permitted. Wireless facsimile machines, cellular telephones, or any device which receives any radio or wireless communication is not permitted. External communication channels of any kind are prohibited.

(4) Any device which requires a cord connection to electric power is not permitted.

(5) For open-book examination, an applicant may take into the examination room for personal use only handbooks, textbooks, and bound reference materials, provided that the materials remain bound in a cover during the entire examination. Materials are considered bound if they are stitched or glued permanently or fastened securely in their covers by fasteners which penetrate all papers such as ring binders, spiral binders, plastic snap binders, brads, and screw posts. Applicants are not permitted to exchange any reference materials. Writing tablets, unbound tables or unbound notes are not permitted.

1.4(5) *Licensure by comity.* Any person who has been licensed as a professional engineer in a foreign jurisdiction may be considered for licensure in Iowa without the need for further examination if the original license based on approved examination is in active status. Applications for licensure by comity will be evaluated on the following basis:

a. The applicant's foreign licensure must have been granted only after satisfaction of requirements equal to or more stringent than those which would be required by Iowa Code section 542B.14, if the applicant's original licensure was sought in Iowa; and

b. The applicant's present record of education, references, practical experience, and successful completion of approved examinations currently satisfies the substantive requirements of Iowa Code section 542B.14.

c. A comity applicant for licensure in land surveying shall comply with subrule 1.4(5), paragraphs "a" and "b," above; be interviewed by the land surveyor member(s) of the board; complete successfully the Iowa State Specific Examination; and complete successfully other examinations as determined by the board.

d. In lieu of the detailed personal history requested on an application for licensing, an applicant for licensure by comity may submit educational and professional records as verified by that person's NCEES Council Record.

e. A temporary permit to practice engineering in the state may be granted to a comity applicant upon approval of a professional engineer member of the board. The temporary permit shall expire at the next regularly scheduled meeting of the board. Temporary permits shall be granted only to applicants who meet all requirements and who are expected to qualify for approval by the full board at the next meeting.

f. If a comity applicant did not have the required experience before writing the professional examination, the board may offer the applicant an oral examination in lieu of retaking the written examination if the applicant has 12 or more years' experience acceptable to the board. A comity applicant with 25 or more years' experience acceptable to the board may be considered for licensure even if that applicant lacked the required experience before writing the professional examination.

1.4(6) *Fees.* Fees for examination and licensing are fixed in such an amount as will defray the expense of administering board responsibilities. A copy of the current fee schedule can be obtained from the board's office.

This rule is intended to implement Iowa Code sections 542B.2, 542B.13, 542B.14 and 542B.15.

193C—1.5(542B) *Cutoff dates for applications to take examinations.* Applicants who desire to take a Fundamentals Examination, the Professional Engineering Examination or the Professional Land Surveying Examination given by the board must complete and deliver their application to the secretary of the board on or before February 1 of each year in order to take the examination given in the spring of the year. In order to take an examination in the fall of the year, applications must be completed and delivered to the secretary on or before August 1 of each year. The board may, in its discretion in cases of extreme hardship, allow exception to this rule.

193C—1.6(542B) *Nonrefundability of fees.* Application fees submitted with applications for the privilege of taking a Fundamentals Examination, the Professional Engineering Examination or the Professional Land Surveying Examination will not be refundable for any reason. Fees paid with applications for comity licensure or for renewal of licensure will not be refundable for any reason.

193C—1.7(542B) *Renewal of certificates of licensure.* Certificates of licensure shall be renewed on a biennial basis.

This rule is intended to implement Iowa Code sections 542B.6, 272C.2 and 272C.3.

193C—1.8(252J) Certificates of noncompliance. The board shall deny the issuance or renewal of a certificate of licensure upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in chapter 252J, this rule shall apply.

1.8(1) The notice required by Iowa Code section 252J.8 shall be served upon the licensee or applicant by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the licensee or applicant may accept service personally or through authorized counsel.

1.8(2) The effective date of the denial of the issuance or renewal of a certificate of licensure, as specified in the notice required by section 252J.8, shall be 60 days following service of the notice upon the licensee or applicant.

1.8(3) The board's executive secretary is authorized to prepare and serve the notice required by section 252J.8 upon the licensee or applicant.

1.8(4) Licensees and applicants shall keep the board informed of all court actions and all child support recovery unit actions taken under or in connection with chapter 252J and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

1.8(5) All board fees for applications, license renewal or reinstatement must be paid by licensees or applicants before a certificate of licensure will be issued, renewed or reinstated after the board has denied the issuance or renewal of a license pursuant to chapter 252J.

1.8(6) In the event a licensee or applicant files a timely district court action following service of a board notice pursuant to sections 252J.8 and 252J.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a certificate of licensure, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

1.8(7) The board shall notify the licensee or applicant in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a certificate of licensure, and shall similarly notify the licensee or applicant when the certificate of licensure is issued or renewed following the board's receipt of a withdrawal of the certificate of noncompliance.

This rule is intended to implement Iowa Code chapter 252J.

193C—1.9(542B) Board fees and service charges.

1.9(1) Biennial licensure renewal fees.

1. Active licensure renewal \$60
2. Inactive licensure renewal \$30
3. New licensee licensure fee—same as above; licensure will be prorated at six-month intervals.

1.9(2) Application fees.

1. Fundamentals of engineering, including certificate \$25
2. Fundamentals of land surveying, including certificate \$25
3. Principles and practice of engineering (PE) \$35
4. Principles and practice of land surveying (LS) \$35

1.9(3) Examination fees.

1. The examination fee for a regularly scheduled examination administered by the examination service will be paid directly to the examination service at the rate established by the contract between the board and the examination service.
2. Examination fees for specially scheduled examinations administered at the board's office will be paid to the state of Iowa.

- 3. Examination fee for comity applicants wishing to retake the two-hour Iowa “State Specific” Land Surveying examination due to failure of passing the first such examination is \$15.
- 4. Examination fee for applicants wishing to retake the two-hour Iowa “State Specific” Land Surveying examination who have passed the NCEES portion of the examination but failed the two-hour “State Specific” Land Surveying portion is \$15.

1.9(4) *Comity application fees.*

- 1. Licensure as a professional engineer \$100
- 2. Licensure as a land surveyor (including the two-hour Iowa examination) \$100

1.9(5) *Certificate charges.*

- 1. Professional engineer or land surveyor certificate \$10
- 2. Second copy of certificate \$20

1.9(6) *Annual report of board.*

- 1. Active licensee Included in licensure fee
- 2. Inactive licensee \$4
- 3. Others \$5

1.9(7) *Other service charges.*

- 1. Check returned for insufficient funds \$10
- 2. Reinstatement of licensure—\$10 per year for each lapsed year (maximum fee of \$50) plus licensure fee for the remainder of biennium prorated at one-year intervals.
- 3. Verification of licensure for comity application to another state or territory if Iowa licensure has lapsed \$10
- 4. Rescoring of examination \$55

This rule is intended to implement Iowa Code sections 542B.13, 542B.15, 542B.20 and 542B.30.

193C—1.10(542B) Civil penalties against nonlicensees. The board may impose civil penalties by order against a person who is not licensed as an engineer or land surveyor pursuant to Iowa Code chapter 542B based on the unlawful practices specified in Iowa Code section 542B.27(1)“a.” In addition to the procedures set forth in Iowa Code section 542B.27, this rule shall apply.

1.10(1) The notice of the board’s intent to impose a civil penalty required by Iowa Code section 542B.27(1)“a” shall be served upon the nonlicensee by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the nonlicensee may accept service personally or through authorized counsel. The notice shall include the following:

- a. A statement of the legal authority and jurisdiction under which the proposed civil penalty would be imposed.
- b. A reference to the particular sections of the statutes and rules involved.
- c. A short and plain statement of the alleged unlawful practices.
- d. The dollar amount of the proposed civil penalty.
- e. Notice of the nonlicensee’s right to a hearing and the time frame in which hearing must be requested.
- f. The address to which written request for hearing must be made.

1.10(2) Nonlicensees must request hearing within 30 days of the date the notice is mailed, if served through restricted certified mail to the last-known address, or within 30 days of the date of service, if service is accepted or made in accordance with Rules of Civil Procedure 56.1. A request for hearing must be in writing and is deemed made on the date of the United States Postal Service postmark or the date of personal service.

1.10(3) If a request for hearing is not timely made, the board chair or the chair's designee may issue an order imposing the civil penalty described in the notice. The order may be mailed by regular first-class mail or served in the same manner as the notice of intent to impose civil penalty.

1.10(4) If a request for hearing is timely made, the board shall issue a notice of hearing and conduct a hearing in the same manner as applicable to disciplinary cases against licensed engineers or land surveyors.

1.10(5) In addition to the factors set forth in Iowa Code section 542B.27(1)“a,” the board may consider the following when determining the amount of civil penalty to impose, if any:

- a. The time elapsed since the unlawful practice occurred.
- b. Evidence of reform or remedial actions.
- c. Whether the violation is a repeat offense following a prior warning letter or other notice of the nature of the infraction.
- d. Whether the violation involved an element of deception.
- e. Whether the unlawful practice violated a prior order of the board, a court order, cease and desist agreement, consent order, or similar document.
- f. The clarity of the issue involved.
- g. Whether the violation was willful and intentional.
- h. Whether the nonlicensee acted in bad faith.
- i. The extent to which the nonlicensee cooperated with the board.

1.10(6) A nonlicensee may waive right to hearing and all attendant rights and enter into a consent order imposing a civil penalty at any stage of the proceeding upon mutual consent of the board.

1.10(7) The notice of intent to impose civil penalty and order imposing civil penalty are public records available for inspection and copying in accordance with Iowa Code chapter 22. Copies may be provided to the media, the National Council of Examiners for Engineering and Surveying, and other entities. Hearings shall be open to the public.

193C—1.11(542B) Hearing on license denial. If the board, upon receipt of a complete and proper application for initial license or licensure by comity, accompanied by the proper fee, shall deny licensure to the applicant, the executive secretary shall send written notice to the applicant by regular first-class mail identifying the basis for license denial.

1.11(1) An applicant denied licensure may request a hearing before the board within 30 days of the date the notice of license denial is mailed. A request for hearing must be in writing and is deemed made on the date of the United States Postal Service postmark or the date of personal service. The request for hearing shall specify the grounds under which the applicant contends the board erred in denying licensure. If a request for hearing is timely made, the board shall issue a notice of hearing and conduct a contested case hearing.

1.11(2) Hearings on license denial shall be open to the public. The burden of presenting evidence and information or documents to support the applicant's position shall be the responsibility of the applicant.

1.11(3) The board, after a hearing on license denial, may grant or deny the application for licensure. If denied, the board shall state the reasons for denial of the license and may state conditions under which the application for licensure could be granted, if applicable.

1.11(4) The notice of license denial, request for hearing, notice of hearing, and order are open records available for inspection and copying in accordance with Iowa Code chapter 22. Copies may be provided to the media, the National Council of Examiners for Engineering and Surveying (NCEES), and other persons or entities.

1.11(5) Judicial review of a final order denying licensure may be sought in accordance with the provisions of Iowa code section 17A.19 which are applicable to judicial review of any agency's final decision in a contested case.

193C—1.12 to 1.29 Reserved.

193C—1.30(542B) Seal and certificate of responsibility.

1.30(1) Each licensee shall procure a seal with which to identify all engineering and land surveying documents issued by the licensee for use in Iowa as provided in Iowa Code section 542B.16.

1.30(2) Description of seal. The seal shall include the name of the licensee and the words "Professional Engineer" or "Land Surveyor" or "Professional Engineer and Land Surveyor." The Iowa license number and the word "Iowa" shall be included. The seal shall substantially conform to the samples shown below:



1.30(3) A legible rubber stamp or other facsimile of the seal may be used.

1.30(4) Each engineering or land surveying document submitted to a client or any public agency, hereinafter referred to as the official copy (or official copies), shall contain an information block on its first page or on an attached cover sheet for application of a seal by the licensee in responsible charge and an information block for application of a seal by each professional consultant contributing to the submission. The seal and original signature shall be applied only to a final submission. Each official copy (or official copies) of a submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the submission. Each certification block shall display the seal of the licensee and shall designate the portion of the submission for which that licensee is responsible, so that responsibility for the entire submission is clearly established by the combination of the stated seal responsibilities. The engineering certification block will substantially conform to the sample shown below:

SEAL	I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.
	(signature) _____ (date) _____
	Printed or typed name _____
	My license renewal date is December 31, _____. Pages or sheets covered by this seal: _____ _____ _____

The land surveying certification block will substantially conform to the sample shown below:

SEAL	I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
	(signature) _____ (date) _____
	Printed or typed name _____
	License number _____ My license renewal date is December 31, _____. Pages or sheets covered by this seal: _____ _____ _____

1.30(5) The information requested in each certification block must be typed or legibly printed in permanent ink except the signature which shall be an original signature in contrasting ink color on each official copy. The seal implies responsibility for the entire submission unless the area of responsibility is clearly identified in the information accompanying the seal.

1.30(6) It shall be the responsibility of the licensee to forward copies of all revisions to the submission, which shall become a part of the official copy of the submission. Such revisions shall be identified as applicable on a certification block or blocks with professional seals applied so as to clearly establish professional responsibility for the revisions.

1.30(7) The licensee is responsible for the custody and proper use of the seal. Improper use of the seal shall be grounds for disciplinary action.

1.30(8) Computer-generated seals may be used on final original drawings provided that a hand-written signature is placed adjacent to the seal and the date is written next to the signature. Computer-generated signatures and dates are not acceptable.

This rule is intended to implement Iowa Code section 542B.16.

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